

रजिस्टर्ड नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राजशासन द्वारा प्रकाशित

शिमला, शनिवार, 22 फरवरी, 1986/3 फाल्गुन, 1907

हिमाचल प्रदेश सरकार

ELECTION DEPARTMENT

NOTIFICATION

Shimla-171002, the 24th January, 1986

No. 3-I/86-E. L. N.—The Election Commission of India's Notification No. 82/HP-LA/2/85, dated the 18th December, 1985, corresponding to 27 Agrahayana, 1907 (Saka) containing the Judgment dated the 14th October, 1985 of the High Court of Himachal Pradesh in Election Petition No. 2 of 1985 is hereby published for general information.

By order,
ATTAR SINGH,
Chief Electoral Officer, H.P.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

the 18th December, 1985
Dated _____
Agrahayana 27, 1907 (Saka)

NOTIFICATION

No. 82/HP-LA/2/85.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment dated the 14th October, 1985 of the High Court of Himachal Pradesh, Shimla in Election Petition No. 2 of 1985, alongwith its order dated the 2nd September, 1985.

भारत निर्वाचन आयोग

निर्वाचन सदन,
अशोक मार्ग,
नई दिल्ली-110001:

तारीख 15 नवम्बर, 1985
22 आश्विन, 1907 (शक)

अधिसूचना

संख्या 82/हि0 प्र0/2/85.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग 1985 की निर्वाचन अर्जी संख्या 2 में उच्च न्यायालय, हिमाचल प्रदेश, शिमला के तारीख 15 नवम्बर, 1985 का निर्णय एतद्द्वारा प्रकाशित करता है ।

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

ELECTION PETITION NO. 2 OF 1985

Misc. Petition No.
Writ Petition No.

Appeal No.
Revision Petition No.
Civil Suit No.

Date of decision: September 2, 1985.

Duni Chand

...Petitioner.

Versus

Girdhari Lal

...Respondent.

Coram

The Hon'ble Mr. Justice
The Hon'ble Mr. Justice.
The Hon'ble Mr. Justice.

T. R. HANDA, J.

Whether approved for reporting?
For the Petitioner(s)

Shri P.C. Goel, Advocate, with Shri K. D. Shreedhar, Advocate.

For the Respondent (s)

Shri Indar Singh, Advocate, with Shri S.S. Kanwar, Advocate.

T. R. HANDA, J:

The last general elections to the Himachal Pradesh Legislative Assembly were held in February/ March, 1985. The petitioner, Duni Chand, and the respondent Girdhari Lal were both candidates at this election from 35-Gangath (SC) Constituency. The result of this election was announced on March 6, 1985. The respondent secured 10711 votes as against 3239 secured by the petitioner. The respondent was accordingly declared elected.

The petitioner, it appears, could not reconcile himself with his defeat. He has, therefore, filed the present election petition under sections 80/81 of the Representation of People Act, 1951, (hereinafter called 'the Act') praying that the election of the respondent be declared void. The validity of the election of the respondent has been called in question only on the ground that the respondent had committed corrupt practices as detailed in paragraph 3 of the petition.

The respondent in his written statement, *inter-alia*, raised a preliminary objection that the petition deserves to be dismissed summarily as it discloses no cause of action. In other words, the objection of the respondent is that the factual allegations as made in the petition, even if they are assumed to be true, would not suggest the commission of any corrupt practice on the part of the respondent so as to render his election void. On this preliminary objection, the following preliminary issue was framed:—

Whether the petition discloses a cause of action?

The short question that arises for consideration for an effective disposal of this issue is whether the allegations made in the petition, if not traversed and accepted as true, would entitle the petitioner to the relief prayed for in the petition, namely, the grant of a declaration that the election of the respondent is void.

At this stage it may be pointed out that the right to challenge an election is neither a civil right nor a right in common law. Article 329(b) of the Constitution specifically enjoins that "no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature." The right to challenge an election has been conferred by the Act which in turn was enacted to give effect to the aforesaid constitutional provisions. This right, therefore, being a statutory right can be exercised only in accordance with the relevant provisions of the Act which creates it. These relevant provisions are found in sections 80, 81 (1), 86 (1) and 100 (1) of the Act and may be extracted for the sake of ready reference:

"80. *Election petitions*.—No election shall be called in question except by an election petition presented in accordance with the provisions of this Part".

"81. *Presentation of petitions*.—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and

section 101 to the High Court by any candidate to such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidates to the election and the dates of their election are different, the later of those two dates."

"86. *Trial of election petition.*—(1) The High Court shall dismiss an election petition which does not comply with the provisions of section 81 or section 82 or section 117.

Explanation.—An order of the High Court dismissing an election petition under this sub-section shall be deemed to be an order made under Cl. (a) of section 98."

"100. *Grounds for declaring election to be void.*—(1) Subject to the provisions of sub-section (2) if the High Court is of opinion—

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or this Act or the Government of Union Territories Act, 1963 (20 of 1963); or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—
 - (i) by the improper acceptance of any nomination, or
 - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent, or
 - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or
 - (iv) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act,

the High Court shall declare the election of the returned candidate to be void."

On a bare reading of the above provisions, it would be clear that the election of a successful candidate cannot be called in question except on one or more of the grounds specified in section 100 (1) of the Act.

Now in the present case the petitioner seeks to challenge the election of the respondent on the grounds mentioned in clause (b) of sub-section (1) of section 100 which relates to the commission of corrupt practices by the returned candidate, his election agent or any other person with the consent of the returned candidate or his election agent.

What are the corrupt practices within the contemplation of section 100 (1) (b) of the Act is the question that immediately arises next. The answer to this question is found in section 123 of the Act. This section mentions as many as seven distinct and different corrupt practices, the commission of any one or more of which on the part of the returned candidate, his election agent or any other person with the consent of either of them, would render his election void.

In the instant case the petitioner seeks to challenge the election of the respondent only on the ground that the latter had committed corrupt practices, the details and particulars of which have been given in para 3 of the petition. A perusal of paragraph 3 of the petition would reveal that the commission of only two corrupt practices has been attributed to the respondent and this in fact, is the admitted case of the petitioner. Both the corrupt practices attributed to the respondent are distinct and independent of each other. The allegations in respect of the first corrupt practice are found in sub-paragraphs (a) to (e) of paragraph 3 of the petition while sub-

paragraph (f) mentions the material facts of the other corrupt practice alleged to have been committed by the respondent.

With respect to the first corrupt practice alleged to have been committed by the respondent and which, as stated above, is detailed in sub-paras (a) to (e) of paragraph 3 of the petition, the material allegations may be summarised thus:

The petitioner had filed his nomination papers as an independent candidate, he had been allotted the symbol of "Rising Sun" as an independent candidate and had also been issued an identity card by the Returning Officer wherein again the petitioner had been shown as an independent candidate. The Returning Officer, however, in the proceedings of the meeting of the Standing Committee held on February 9, 1985, had falsely shown the petitioner as belonging to "Doordarshi Party" which is a notorious party with a black record. Copies of the proceedings of this meeting showing the petitioner as belonging to "Doordarshi Party" were later circulated by the Returning Officer along with this letter dated 21st February, 1985, addressed to all the contesting candidates. This letter along with its enclosure is found at Annexure P-2. The respondent exploited the above act of the Returning Officer of describing the petitioner as a candidate of "Doordarshi Party" and started propagating that the petitioner was a member of the "Doordarshi Party" which had foreign links and was receiving foreign aid and was out to disrupt the integrity and unity of the country. This propaganda damaged the prospects of the petitioner who otherwise had every chance of winning the election.

A full statement of the dates when, the places where and the persons before whom such propaganda is alleged to have been made by the respondent is given in sub-para (e) of paragraph 3.

The above-mentioned false propaganda against the petitioner alleged to have been made by the respondent, has been called a corrupt practice falling within the purview of section 123(4) of the Act.

According to the learned counsel for the respondent, the allegations, as made in sub-paragraphs 3(a) to 3(e) of the petition, even if the same are assumed as true, they would not constitute any corrupt practice within the meaning of section 123(4) of the Act. In order to appreciate the contention of the learned counsel it is necessary to refer to the provision of section 123(4) of the Act. This provision reads:

"123.(4) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election."

A bare reading of the above provision would suggest that the following elements must co-exist in order to constitute a corrupt practice falling within the purview of this provision:

1. Publication of any statement of fact by the candidate or his agent or any other person with the consent of the candidate or his election agent;
2. The statement of fact so published is false and the candidate or his agent or the other person publishing such statement with the consent of the candidate or his election agent, believed such statement to be false or did not believe it to be true;
3. The statement published is in relation to the personal character and conduct of any candidate; and
4. It is reasonably calculated to prejudice the prospectus of such candidate.

The petitioner, therefore, in this case in order to successfully bring home the charge of corrupt practice falling within the purview of section 123(4) of the Act to the respondent, has, *inter-alia*, to allege and prove that the statement of fact published and propagated by the respon-

dent against the petitioner was not only false but in addition that the respondent who published such statement either believed the same to be false or did not believe it to be true. In the instant case admittedly there is no such allegation found in the petition that the respondent knew that the propaganda which he was making against the petitioner was false or if the respondent did not believe the same to be true. On the other hand it is the petitioner's own case that the Returning Officer had described him (the petitioner) as a candidate of "Doordarshi Party" vide annexure P-2 copies of which had been circulated to all the contesting candidates. The possibility can't be, therefore, ruled out that the respondent, if at all he made any such propaganda had done so believing in the truth of the contents of annexure P-2 which had been officially circulated by the Returning Officer. It may also be observed that there is no allegation if the Returning Officer had shown the petitioner as a candidate of "Doordarshi Party" at the instance of the respondent. One of the vital ingredients of section 123(4) of the Act, namely that the respondent who published such statement either believed the same to be false or did not believe the same to be true is thus lacking in this case. In the absence of this vital ingredient the allegations as made in the petition even if accepted as true, would not constitute the commission of any corrupt practice falling within the ambit of section 123(4) of the Act.

The details of the other corrupt practice alleged to have been committed by the respondent are found mention in para 3(f) of the petition. In substance the allegations are that on 1st March, 1985, the respondent personally visited village Ghagwan, Tehsil Nurpur, falling within his constituency in order to solicit votes. There was then a bargain settled between the respondent and the gathering of electors of that village. The respondent promised to meet the demand of the electorate of opening a primary school in the village provided the electors in turn promised to vote for him. The electors present there then assured the respondent that they would vote for him provided he got the school opened before the date of poll which was 5th March, 1985. The respondent promised that the school would be opened on the very next day. The respondent later by exercising his influence with the Chief Minister, actually got the school opened in the village with effect from 3rd March, 1985, and thereby induced the voters to vote for him.

The allegations aforesaid, if proved to be true, may *prima-facie* establish the commission on the part of the respondent of the corrupt practice of bribery as defined in section 123(1) (A) of the Act.

In view of the allegations of corrupt practice of bribery as made in para 3(f) of the petition, it cannot be said that the petition does not disclose a cause of action. The preliminary issue is thus found in favour of the petitioner.

The following issues are now framed on merits:

1. Whether the respondent committed the corrupt practice of bribery as alleged in para 3(f) of the petition?
2. Relief.

The case is now adjourned to 27th September, 1985 for evidence of the petitioner. The petitioner shall file his list of witnesses and requisite process-fee and diet money for summoning them within four days.

September 2, 1985.

Sd/-
T. R. HANDA,
Judge.

Seal.

Attested

Sd/-
Superintendent (Judicial)
High Court of H.P.
Shimla-1.

By Order,
T. D. GUPTA,
Under Secretary,
Election Commission of India.

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

ELECTION PETITION NO. 2 OF 1985

Misc. Petition No.

Appeal No.

Writ Petition No.

Revision Petition No.

Civil Suit No.

Date of decision: October 14, 1985

Duni Chand

.. Petitioner.

Versus

Girdhari Lal

.. Respondent.

Coram:

The Hon'ble Mr. Justice
The Hon'ble Mr. Justice.
The Hon'ble Mr. Justice.

T. R. HANDA, J.

Whether approved for reporting?

For the Petitioner(s)
For the Repondent(s)

Shri K.D. Shreedhar, Advocate.
Shri Indar Singh, Advocate.

T. R. HANDA, J. (Oral):

The present Election Petition under sections 80 & 81 of the Representation of People Act (hereinafter called "the Act") has been filed by Shri Duni Chand, a candidate at the election, to challenge the election of the respondent Shri Girdhari Lal, to the Himachal Pradesh State Legislative Assembly from Constituency 35 known as Gangath (SC) Constituency during the last Assembly elections held on 5th March, 1985. The contest for this Assembly seat was between the petitioner and the respondent only. The respondent secured 10,711 votes as against 3,239 secured by the petitioner and was declared successful.

The election of the petitioner was sought to be called in question on the ground that he had committed corrupt practices falling within the purview of section 123 (4) and section 123 (1) (A) of the Act and as detailed in para 3 of the petition.

The respondent repudiated the allegations made in the petition and which, according to the petitioner, constituted the commission of corrupt practices on the part of the respondent. Apart from this denial, the respondent raised a preliminary objection that even if such allegations were accepted as true, the same would not constitute the commission of any corrupt practice on the part of the respondent and hence the petition deserves summarily dismissal on account of its failure to disclose any cause of action.

The following preliminary issue was accordingly framed in this case on 22nd May, 1985:

Whether the petition discloses a cause of action?

This preliminary issue was decided by me partly in favour of the petitioner and partly in favour of the respondent *vide* my order dated 2nd September, 1985. As stated

earlier, the respondent was alleged to have committed two corrupt practices, one falling within the purview of section 123 (4) and the other within the purview of section 123 (1)(A) of the Act. With respect to the former I held that the allegations made in support of this corrupt practice and as found in paras 3 (a) to 3 (e) of the petition would not constitute the commission of the corrupt practice as defined under section 123 (4) of the Act and these allegations, therefore, do not call for any investigation. With respect to the latter, I expressed the view that the allegation in support thereof as contained in para 3 (f) of the petition, if true, may amount to the commission of corrupt practice as defined in section 123 (1) (A) of the Act. The following additional issues were, therefore, framed while disposing of the preliminary issue:

1. Whether the respondent committed the corrupt practice of bribery as alleged in para 3 (f) of the petition?
2. Relief.

The allegations in support of the corrupt practice of bribery as contained in para 3 (f) of the petition are in the following terms:

“That the returned candidate committed corrupt practice of bribery. He went to village Ghagwan, Tehsil Nurpur, which is in polling station Sudhawan of the aforesaid constituency at about 10.30 a.m. on 1-3-1985 and gathered people in the open ground near the temple. He asked the people to vote for him. The persons who had gathered demanded that they will vote for the respondent only if he opens a primary school in the village before the date of polling. The respondent stated that he will see that the school starts functioning in the village from tomorrow (i.e. 2-3-1985) itself if the congregation and voters promise that they will exercise their franchise in favour of the petitioner. The congregation who were electors by raising of hands said that they will do, provided a school is opened before the date of polling. The returned candidate who is in good books of the Chief Minister manipulated with the Chief Minister of Himachal Pradesh and other authorities and without any proper order a Government Primary School started functioning in village Ganghwan from 3-3-1985 itself. The voters in the village who were primarily the supporters of the petitioner over whelmingly voted for the respondent because of the bribery offered in the form of opening of a Government Primary School at the instance of the returned candidate. Thus the returned candidate committed corrupt practice of bribery as contemplated by sub-section (1) of section 123 of the Act.”

As is obvious from a bare reading of the above quoted para 3 (f), the case of the petitioner in short is that the respondent had convened an election meeting in village Ghagwan on 1st March, 1985, in which a bargain was settled between the respondent and the electorate of that village. In terms of such bargain the respondent was to arrange for the opening of a Government Primary School in village Ghagwan, the very next day, that is, 2nd March, 1985, before the day of poll, and in return the electorate were to vote for him at the election. The respondent then manipulated with the Chief Minister of the State and other authorities and got a Primary School actually opened in the village with effect from 3rd March 1985, though no proper sanction or order of the Government in that regard had been issued.

The fact that a Government Primary School at Village Ghagwan actually started functioning on or about 1st March, 1985 is not in dispute. RW 2, Shri Raj Kumar Malik, Director, Primary Education, Himachal Pradesh, who had brought the relevant official record with him deposed about the history of the opening of this school. According to this witness, a proposal for opening a Government Primary School in village Ghagwan was made as long back as in 1978-79 when the survey report was prepared. The proposal, however, actually matured on 27th December, 1984, when an order was issued by the Chief Minister directing the opening of the school in this village. After the witness received the said order of the Chief Minister, he in his turn issued an order on 17th January, 1985, to the District Primary Education Officer, Kangra, for making necessary

arrangements for opening of this school in village Ghagwan. The witness further deposed that he was later informed verbally by the District Primary Education Officer that the school had actually been opened with effect from 1st March, 1985. Note of this verbal information was made by the witness in the record which he had brought in Court. RW 4, Shri Ishwar Dass is the Block Primary Education Officer, Indora, in whose block village Ghagwan falls. According to him, it was on or about 27th January 1985, that he received an order for opening of a new primary school in village Ghagwan. There was some misprint in that order for which he sought clarification from the District Primary Education Officer. Later a lady teacher was appointed on 26-2-1985 for Primary School Surdhwani. On seeing that appointment order of the lady teacher the witness brought to the notice of the District Primary Education Officer that a school was already functioning in village Surdhwani and that a new school was to required be opened in village Ghagwan and the lady teacher should have been appointed for village Ghagwan. Thereafter the lady teacher came to him on 1st March, 1985, with her fresh letter of appointment dated 28th February, 1985, for primary school Ghagwan. The primary school Ghagwan was then opened on 1st March, 1985, with that lady teacher as incharge. The name of that lady teacher was given as Sheela Devi. From the deposition of these two witnesses, namely (RW 2) Shri Raj Kumar Malik, Director Primary Education and Shri Ishwar Dass (RW 4), Block Primary Education Officer which is supported by the official record and remains unchallenged, it can be safely concluded that the proposal for opening a Government primary school in village Ghagwan was made as long back as the year 1978-79 and that the final orders on this proposal were issued by the Chief Minister on 27th December, 1984, long before the respondent had declared himself as a candidate for this election. On the basis of the orders issued by the Chief Minister, the Director, Primary Education had in his turn despatched his order to the District Primary Education Officer on 17th January, 1985, for opening of this school. It was later in pursuance of this order of the Director Primary Education that the school was actually opened on 1st March, 1985.

Considered in the light of the facts narrated above and which in face of the evidence, discussed above admit of no doubt, the version of the petitioner as stated in para 3 (f) of the petition looks simply absurd and worthy of no credence. On the facts as proved on the record it is just not possible to say that the primary school in village Ghagwan was opened without any proper sanction or order and in pursuance of the assurances given to the electorate by the respondent on 1st March, 1985. As observed earlier, the final orders of the Chief Minister sanctioning this school were issued in December, 1984, and the same had been conveyed by the Director to the District authorities in January, 1985. The lady teacher had been appointed on 26th or 28th February, 1985, and pursuant to her appointment orders, she actually joined at village Ghagwan on 1st March, 1985, where she started the school. The school was thus opened in a regular manner after observing all the codal formalities and obtaining the requisite sanction.

I will now briefly refer to the oral evidence of the petitioner in support of his allegations relevant for the purposes of the issue in hand. The petitioner himself, of course, had nothing to say on this point. The only witnesses who are relevant on this issue are (PW 2) Parlash Chand, PW 3, Ram Singh and PW 4 Inder Pal Singh. All of them claimed to have attended the election meeting of the respondent which was held in village Ghagwan on 1st March, 1985. As per Parkash Chand (PW 2) when the respondent called upon the gathering to vote for him in that meeting, 5, 7 or 10 persons including the witness got up and told the respondent that they would vote only for that candidate who would work for them. Then on enquiry by the respondent they told him that they wanted a school to be opened in the village. It was then that the respondent asked then if they were honest in voting for him in case he got the school opened. On that the gathering gave him the assurance. In his cross-examination he clarified that S/Shri Gian Chand, Sai Dass, Karam Chand, Khushi Ram and Ram Singh were the only persons who got up along with him in that meeting to tell the respondent to open the school in the village if he wanted their votes. Ram Singh (PW 3) on the other hand stated that when Girdhari Lal respondent asked the gathering to vote for him, all the members of that gathering numbering about 250 got up and told Girdhari Lal to first get the school opened. According to this witness, the gathering further told Girdhari

Lal that they would not vote for him if the school was not opened. In his cross-examination, however, he has stated that there was a gathering of about 25 or 30 persons only in the meeting of the respondent and that the meeting lasted only for about five minutes. Inder Pal Singh (PW 4) in his turn stated that though the meeting was attended by 250 or 300 persons only 100 or 150 out of them got up from their seats to demand opening of the school from the respondent when the latter called upon them to vote for him. This witness went a step further and stated that the respondent, Girdhari Lal, told the gathering that he would get the school opened and asked them to give him assurance after facing towards the temple that they would vote for him. The gathering then faced towards the temple and after raising their hands gave such assurance to the respondent. There was thus no consistency in the versions narrated by these three witnesses though they claimed to depose about the same occurrence.

The respondent Girdhari Lal himself appeared in the witness box to deny on oath if he visited village Ghagwan during the period 1st March, 1985 to 5th March, 1985. According to him, he had visited this village in connection with his election campaign only during February, 1985. Vikram Singh Katoch who, according to Inder Pal Singh (PW 4), had also accompanied Girdhari Lal during his alleged visit to village Ghagwan on 1st March, 1985, appeared as RW 5 and denied if he had accompanied the respondent to village Ghagwan on 1st March, 1985, or if any election meeting of the respondent was held on 1st March, 1985 in that village. Similarly, Chanda Singh (RW 7) who as per Ram Singh (PW 3) had accompanied the respondent to village Ghagwan on 1-3-1985 also denied on oath if he attended any election meeting of the respondent at village Ghagwan on 1st March, 1985, or if he accompanied the respondent to village Ghagwan on that day.

I see no reason to give preference to the evidence of the petitioner over that of the respondent especially in view of the proved facts and circumstances under which primary school was opened in village Ghagwan.

The only reason advanced on behalf of the petitioner in support of his plea that the version of the petitioner be believed as against that of the respondent was that normally a new school is opened in the month of April when the new session starts and the mere fact that in the instant case the school was opened on 1st March before the close of the session should be considered sufficient to conclude that the school was not opened in normal course but for the reasons as stated in the petition. I might have given some consideration to this reasoning in case the true history of the events leading to the opening of this school had not been established on the record. The history, as stated earlier, reveals that the demand for opening of a school in this village was persisting since long and a decision to that effect had also been taken long back. In view of this past history of the school it is just not possible to involve the present respondent with the opening of the school and more so when the school was opened the very day when the respondent is alleged to have given his assurances to the electorate.

I thus find that the petitioner has hopelessly failed to prove if there was any bargain settled between the respondent and the electorate as alleged in the petition or if the school in village Ghagwan was opened as a result of that bargain. The respondent, therefore, cannot be said to have committed the corrupt practice of bribery as alleged in the petition.

As a result of above finding the election petition deserves to be dismissed and is accordingly dismissed with costs which are assessed at Rs. 1000/-.

The Registrar of this Court shall forthwith intimate the substance of this judgment to the Election Commission of India, New Delhi, as also the Speaker of the Legislative Assembly of the State of Himachal Pradesh. An authenticated copy of this judgment may be sent to the Election Commission of India, New Delhi, as soon as possible.

October 14, 1985.



Sd/-

T. R. HANDA, J.

HOUSING DEPARTMENT

NOTIFICATION

Shimla-171002, the , 1986

No. HSG.1 (C) 1-1/85.—In exercise of the powers conferred by sections 29, 30 & 31 of the Himachal Pradesh Housing Board Act, 1972, the Governor, Himachal Pradesh is pleased to publish the Housing Programme for the year 1985-86, as specified below for information of the general public:—

ANNUAL HOUSING PROGRAMME OF HOUSING BOARD FOR THE YEAR 1985-86

Sr. No.	Name of Project and its location	Brief subject and scope of project							Estimated cost	Budget for the year 1985-86	Remarks
		Scope			Target						
		House	Flat	Plot	House	Flat	Plot				
1	2	3	4	5	6	7	8	9	10	11	12
(Figures in lacs of rupees)											
I.	Technically New Schemes:										
S.	Social Housing Schemes:										
(i)	Shimla Division:										
1.	Jakhoo Shimla	HIG	10	—	14	All the units already completed.			68.00		
		MIG	7	44	25						
		LIG	—	40	14						
		EWS	50	—	1						
1.	A. Rampur (Development of Housing Colony)	—	—	—	—					10.00	
1.	B. Bhatta Kufar (C/o Complex)	—	—	—	—					15.00	
2.	Sanjauli Phase-I (Shimla)	HIG	14	—	12	All the units already completed.					
		LIG	18	—	12				20.81		
		EWS	22	—	—						
3.	Sanjauli Phase-II (Shimla)	HIG(Ft.)	—	72	—	Work will be started during 85-86.			75.66	17.10	
		HIG(Ft.)	—	72	—						
		LIG	—	—	—						
		EWS	—	—	—						
4.	Bilaspur	HIG	—	—	10						
		MIG	24	—	31	12					
		LIG	32	—	30	16	—	—	26.76	10.94	
		EWS	8	—	8	—					
5.	Mandi	HIG	—	—	15						
		MIG	8	—	7	—	—	—	14.76	4.70	
		LIG	20	—	20	—	—	—			
		EWS	6	—	—	—	—	—			
6.	Sundernagar	HIG	—	80	—	—	—	—	10.00	10.00	
		MIG	—	48	—	—	—	—			

1	2	3	4	5	6	7	8	9	10	11	12
7.	Kullu	—	—	—	—	—	—	—	9.60	2.00	
8.	Mandi (Bheuli)	—	—	66	—	—	33	—	30.00	4.00	
9.	Mandi (Surha Mohalla)	—	24	—	—	24	—	—	—	2.50	
Total		...	—	—	—	—	52	33	—	—	76.24

(ii) Solan Division:

1.	Solan Phase-I	HIG	—	—	4	} Colony already completed			32.25	0.20	
		MIG	40	—	21						
		LIG	50	—	21						
		EWS	18	—	11						
2.	Solan Phase-II	HIG(I)	—	—	24	—	—	24	51.81	20.00	
		HIG	—	48	28	—	—	28			
		LIG	—	—	6	—	—	6			
		MIG(I)	—	144	—	—	—	—			
3.	Nahan Phase-II	HIG	—	—	14	—	—	—	25.25	15.00	
		MIG	22	—	13	14	—	13			
		LIG	17	—	8	2	—	8			
		EWS	6	—	9	6	—	9			
4.	Kala Amb	—	—	—	—	—	—	—	50.00	2.00	
5.	Paonta Sahib	—	—	—	—	—	—	—	50.00	2.00	
6.	Mehatpur	—	—	—	—	—	—	—	80.00	2.00	
7.	Una Phase-II	HIG	—	—	17	—	—	17			
		MIG	32	—	2	14	—	2	19.44	15.00	
		LIG	20	—	5	4	—	5			
		EWS	4	—	3	} Completed					
8.	Amb	—	—	—	—	—	—	—	15.00	2.00	
Total		...	—	—	—	—	40	—	112	—	58.20

(iii) Parwanoo

Division :

I. Development of Parwanoo Township:

(i) Sector-I	HIG	1	—	2	} Already completed					
	MIG	59	—	2						
	LIG	50	42	33						
	EWS	—	96	—						
	Ind. Plot	—	—	99						
(ii) Sector-IA	HIG	—	—	12	}					
	MIG	—	—	56						2.30
	LIG	—	—	—						
	EWS	—	—	—						
(iii) Sector-II	Industrial Plots	—	—	54	—	—	—	—		1.05

1	2	3	4	5	6	7	8	9	10	11	12
(iv) Sector-III	HIG	—	—	11	} Already completed				10.92	0.26	
	MIG	—	8	22							
	LIG	—	24	7							
	EWS	—	—	—							
	Industrial Plots	—	—	16	—	—	—	—	10.92		
(v) Sector-IV	HIG	25	16	54	} Already completed				2,46.51	2.55	
	MIG	50	28	100							
	LIG	6	188	46							
	EWS	—	36	—							
(iv) Sector-V	Industrial Plots	—	—	66	—	—	—	—	22.71	1.62	
2. Nalagarh	—	—	—	—	—	—	—	—	—	5.00	
3. C/o Housing Colony at Bar-oti-wala.	—	—	—	—	—	—	—	—	50.00	4.00	
Total	...	—	—	—	—	—	—	—	—	18.58	

(iv) Dharamshala Division:

1. Hamirpur Phase-II.	HIG	—	—	—	—	—	—	—	—	—	
	MIG	16	—	—	6	—	—	—	25.00	12.00	
	LIG	40	—	—	20	—	—	—			
	EWS	—	—	—	—	—	—	—			
Hamirpur Phase-I.	—	—	—	—	—	—	—	—	—	2.00	
2. Palampur	HIG	2	—	5	—	—	—	—			
	MIG	15	—	25	7	—	—	—			
	LIG	16	—	13	—	—	—	—	13.16	1.00	
	EWS	—	—	—	—	—	—	—	—	5.60	
3. Dharamshala Phase-I.	HIG	—	—	4	} Already completed				19.21	0.50	
	MIG	17	—	28							
	LIG	18	—	12							
	EWS	10	—	9							
4. Kangra	—	—	—	—	—	—	—	—	50.00	10.00	
5. Chamba	—	—	—	—	—	—	—	—	9.32	1.00	
Total	...	—	—	—	—	33	—	—	—	32.10	
Grand Total	...	—	—	—	—	—	—	—	—	185.12	

(B) Rental Housing for Government Employees—
(I) Shimla Division:

T-I T-II T-III T-I T-II T-III

(a) Mandi — 12 16 16 Work completed 36.04 0.15

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12
	Cottages	12	—	—	12	—	—				
	Cat-I	—	32	—	—	—	—	157.16	27.80		
	Cat-II	—	32	—	—	—	—				
	Cat-III	—	98	—	—	20	—				
(c)	Straw Berry Hills Phase-I:										
	Cottages	—	—	—	—	—	—				
	Cat-I	—	24	—	—	—	—	138.44	70.28		
	Cat-II	—	16	—	—	—	—				
	Cat-III	—	20	—	—	—	—				
	Cat-IV	—	10	—	—	—	—				
Total	..	—	—	—	12	20	—	—	98.08		
<hr/>											
Parwanoo Division:											
(a) Parwanoo Sec-I, IV&V—											
	Cat-II	—	110	—	—	56	—				
	Cat-II ¹	—	90	—	—	24	—	160.90	—		
(b)	Parwanoo Sec-VI:										
	Cat-II	—	54	—	—	—	—	—	16.15		
	Cat-III	—	12	—	—	—	—	—	31.92		
Total	..	—	—	—	—	—	—	—	48.07		
Grand Total	..	—	—	—	—	—	—	—	146.15		
<hr/>											
E. Board's Own Works—											
Shimla Division:											
(i)	C/o Divisional store at SNJL.	—	—	—	—	—	—	2.04	0.30		
(ii)	C/o staff residence Cottage at Ktn.	—	—	—	—	—	—	3.78	—		
(iii)	C/o office block at Knolls wood.	—	—	—	—	—	—	25.65	13.75		
(iv)	C/o 8 Nos. basements at Knolls wood.	—	—	—	—	—	—	4.57	—		
(v)	A/R & M/O of H.C. at Jakhoo.	—	—	—	—	—	—	—	0.10		
(vi)	A/R & M/O of H.C. at Sanjauli.	—	—	—	—	—	—	—	0.10		
(vii)	C/o 7 Nos. Garrages in Kelseton.	—	—	—	—	—	—	—	2.00		
Total	...	—	—	—	—	—	—	16.25			

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12
	(iii) Suspense account.	—	—	—	—	—	—	—	142.00		
	Total ..	—	—	—	—	—	—	—	182.10		
1.	Deposit Works: Shimla Division :										
	(a) C/o CPRI Building at Shimla.	—	—	—	—	—	—	—	3.86		
	(b) C/o Building for HIPA at Fair Lawns, Shimla.	—	—	—	—	—	—110.28	22.00			
	Total ..	—	—	—	—	—	—	—	25.86		
2.	Parwanoo Division:										
	(a) Works of Ind. Deptt.	—	—	—	—	—	—	—	1.10		
	(b) Works of H.P. State Forest Corpn.	—	—	—	—	—	—	—	3.50		
	(c) Other works	—	—	—	—	—	—	—	6.40		
	Total ..	—	—	—	—	—	—	—	11.00		
3.	Dharamshala Division:										
	(a) C/o 20 Nos. Demonstration houses at Paprola.	—	—	—	—	—	—	—	1.50		
	Total ..	—	—	—	—	—	—	—	1.50		
4.	Solan Division:										
	(a) Bachat Bhanwan at Una.	—	—	—	—	—	—	—	2.00		
	Total ..	—	—	—	—	—	—	—	2.00		
	Grand Total ..	—	—	—	—	—	—	—	40.36		
	Grand Total of Technically New Schemes.	—	—	—	—	—	—	—	689.42		

1	2	3	4	5	6	7	8	9	10	11	12
Really New Schemes—											
(A) Social Housing Schemes—											
(a) Shimla Division:											
(i) C/o Housing Colony at Sarka-ghat.											
		—	—	—	—	—	—	—	1.00		
Total ..		—	—	—	—	—	—	—	1.00		
(b) Dharamshala Division:											
(i) C/o Housing Colony at Kandrori.											
		—	—	—	—	—	—	—	1.00		
(ii) -do- at Baijnath.											
		—	—	—	—	—	—	—	1.00		
Total ..		—	—	—	—	—	—	—	2.00		
Total 'A' ..		—	—	—	—	—	—	—	3.00		
(B) Self Financing Scheme at Solan Division:											
(i) Self Financing Scheme at Solan.											
		—	—	—	—	—	—	—	20.00		
Total ..		—	—	—	—	—	—	—	20.00		
(C) Boards Own Works:											
(a) Shimla Division:											
(i) C/o Multistoreyed Office complex at Mandi											
		—	—	—	—	—	—	—	5.00		
Total ..		—	—	—	—	—	—	—	5.00		
Total Really New Schemes.		—	—	—	—	—	—	—	28.00		
Grand Total (Part-I & Part-II)		—	—	—	—	—	—	—			

Sd/-

Executive Engineer (P&P),
H.P. Housing Board, Shimla-2.

Sd/-

Superintending Engineer, H.P.
Housing Board, Shimla-2.

Sd/-

Secretary-cum-Chief Engineer,
H.P. Housing Board, Shimla-2.

2. The actual expenditure to be incurred under the schemes as mentioned above will not exceed the availability of funds under the sanctioned budget for the Housing Board for the year 1985-86.

By order,

Sd/-

*Commissioner-cum-Secretary (Housing),
Himachal Pradesh.*

